

STATE OF WISCONSIN
Senate Journal
Ninety–Fifth Regular Session

WEDNESDAY, October 10, 2001

The Chief Clerk makes the following entries under the above date.

INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

Senate Joint Resolution 45

Relating to: dedicating room 412 East of the Wisconsin state capitol as the permanent location and hearing room for the joint committee on finance and honoring 90 years of service by the joint committee on finance.

By Senators Risser, Chvala, Panzer and Burke; cosponsored by Representatives Jensen, Foti, Black and Gard.

To committee on **Senate Organization**.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 271

Relating to: environmental regulation of mining and notice to transferees of interests in mining sites.

By Senators Hansen, Erpenbach, Shibilski and Decker; cosponsored by Representatives McCormick, Krawczyk, Meyerhofer, La Fave, Sherman, Black, Bies, Underheim, Ryba, Miller and Berceau.

To committee on **Environmental Resources**.

Senate Bill 272

Relating to: a community youth grant to the Wisconsin chapters of the Boys and Girls Clubs of America and making an appropriation.

By Senators Wirch, Shibilski, Burke, Darling, Grobschmidt, Moen, Baumgart, Hansen, M. Meyer and Roessler; cosponsored by Representatives Krawczyk, Underheim, Suder, Ryba, Schneider, Huber, Pocan, Coggs, La Fave, Kreuser, Jensen, Schooff, Lassa, Musser, Lippert, Plale, Berceau, Steinbrink, Wieckert, Sykora, F. Lasee, Kestell, Riley, Meyerhofer, Albers, Montgomery, Leibham, Shilling and Young.

To committee on **Labor and Agriculture**.

Senate Bill 273

Relating to: creating definitions for common and contract carriers for sales tax and use tax purposes.

By Senator Breske; cosponsored by Representative Stone.

To committee on **Insurance, Tourism, and Transportation**.

Senate Bill 274

Relating to: the licensing of motor vehicle dealers, motor vehicle salespersons, and sales finance companies and providing a penalty.

By Senators M. Meyer, Breske, Burke, Cowles, Darling, Huelsman, Jauch and Roessler; cosponsored by Representatives Suder, Huber, Ainsworth, Albers, Bies, Gunderson, Hahn, Jeskewitz, Krawczyk, Kreibich, Lassa, Ott, Ryba and Sykora.

To committee on **Insurance, Tourism, and Transportation**.

Senate Bill 275

Relating to: proposed actions regarding motor vehicle franchises.

By Senators Breske, Darling, Decker, Schultz, Plache, Welch, Moen, Huelsman, Jauch, S. Fitzgerald, M. Meyer, Rosenzweig, Grobschmidt, Lazich, Erpenbach and Cowles; cosponsored by Representatives Freese, Musser, Krawczyk, Ryba, Loeffelholz, Gunderson, Lippert, Lassa, Sinicki, Olsen, Kestell, Hundertmark, Ladwig, Skindrud, Vrakas, Gronemus, Sykora, M. Lehman, Coggs, Albers, Meyerhofer, Hahn and Wasserman.

To committee on **Insurance, Tourism, and Transportation**.

REPORT OF COMMITTEES

The committee on **Education** reports and recommends:

BARRY, JONATHAN B., of Mount Horeb, as a member of the Wisconsin Technical College System Board, to serve for the interim term ending May 1, 2003.

Confirmation.

Ayes, 11 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Roessler, Darling, Lazich, Harsdorf and Kanavas.

Noes, 0 – None.

REID, L. ANNE, of West Bend, as a member of the Wisconsin Technical College System Board, to serve for the term ending May 1, 2007.

Confirmation.

Ayes, 11 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Roessler, Darling, Lazich, Harsdorf and Kanavas.

Noes, 0 – None.

BARNETT, JEFFREY, of Whitewater, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2001.

Confirmation.

Ayes, 11 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Roessler, Darling, Lazich, Harsdorf and Kanavas.

Noes, 0 – None.

OPPERMAN, DIANE, of Iola, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2002.

Confirmation.

Ayes, 11 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Roessler, Darling, Lazich, Harsdorf and Kanavas.

Noes, 0 – None.

OTT, MARLENE, of Greendale, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2002.

Confirmation.

Ayes, 11 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Roessler, Darling, Lazich, Harsdorf and Kanavas.

Noes, 0 – None.

VIECHNICKI, KAREN, of River Falls, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2002.

Confirmation.

Ayes, 11 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Roessler, Darling, Lazich, Harsdorf and Kanavas.

Noes, 0 – None.

Senate Bill 72

Relating to: authorizing the state superintendent of public instruction to award grants for family involvement in education projects and making appropriations.

Passage.

Ayes, 6 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson and Erpenbach.

Noes, 5 – Senators Roessler, Darling, Lazich, Harsdorf and Kanavas.

Senate Bill 243

Relating to: increasing a school district's revenue limit for the costs of teaching school professional staff how to use digital technology and distance-learning technology.

Passage.

Ayes, 6 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson and Erpenbach.

Noes, 5 – Senators Roessler, Darling, Lazich, Harsdorf and Kanavas.

Senate Bill 244

Relating to: school district use of educational technology block grants.

Passage.

Ayes, 8 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Harsdorf and Kanavas.

Noes, 3 – Senators Roessler, Darling and Lazich.

Senate Bill 255

Relating to: modifying the manner in which a pupil enrolled in a 4-year-old kindergarten program is counted for state aid.

Passage.

Ayes, 6 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson and Erpenbach.

Noes, 5 – Senators Roessler, Darling, Lazich, Harsdorf and Kanavas.

Richard Grobschmidt
Chairperson

The committee on **Finance** reports and recommends:

Senate Bill 128

Relating to: requiring health insurance policies to cover contraceptive articles and services.

Passage.

Ayes, 6 – Senators Burke, Decker, Moore, Shibilski, Plache and Wirch.

Noes, 2 – Senators Darling and Rosenzweig.

Brian Burke
Chairperson

The committee on **Health, Utilities, Veterans and Military Affairs** reports and recommends:

Senate Bill 234

Relating to: extended area telephone service and granting rule-making authority.

No recommendation pursuant to s. 227.19 (6)(b), Wisconsin Statutes.

Rodney Moen
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

Assembly Bill 20

Relating to: the cut-off time for receipt of documents for filing and recording with a register of deeds.

Concurrence.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

BOYKOFF, THOMAS M., of Madison, as a Commissioner of the Tax Appeals Commission, to serve for the term ending March 1, 2007.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

HUTCHISON, DAVID E., of Luxemburg, as a member of the Educational Communications Board, to serve for the term ending at the pleasure of the Governor.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

JONES, TOMMIE L., of Milwaukee, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2003.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Senate Bill 136

Relating to: using accumulated unused sick leave credits and certain health insurance premium credits for the purchase of long-term care insurance for participants under the Wisconsin retirement system.

Passage.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 1 – Senator Moore.

Senate Bill 225

Relating to: the authority of certain cities, villages, or towns to regulate the operation of bicycles owned by nonresidents.

Passage.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Senate Bill 259

Relating to: the deadline for filing a tax exemption report in the city of La Crosse by a church or religious association.

Introduction and adoption of Senate amendment 1.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Mark Meyer
Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin

Department of Health and Family Services

October 2, 2001

The Honorable, The Senate:

The Bureau of Health Information, Department of Health and Family Services, is please to submit to the Governor and the Legislature the *Annual Health Care Data Report, 1999*. The data for this report were collected under section 153.05, Wisconsin Statutes, and are published as authorized by the requirements of section 120.20, Wisconsin Administrative Code.

This report is based on data reported quarterly to the Bureau of Health Information by all operating general medical-surgical and specialty hospitals and Medicare-certified, freestanding ambulatory surgery centers in Wisconsin. It presents a summary of data on utilization and charges at those facilities in 1999.

Sincerely,

PHYLLIS J. DUBE
Secretary

State of Wisconsin

Department of Natural Resources

October 1, 2001

The Honorable, The Senate:

Attached is the report on the environmental Cooperation Pilot Program as required by section 299.80 (16)(b) Wis. Stats., to be provided to the governor and the legislature. The report describes the success of the program, my recommendation on continuation of the program and the recommended changes that should be made to the program. We have used the information

contained in the Legislative Audit Bureau Letter, DNR analysis of the Pilot Program and consultation with our stakeholders as the basis for the report and recommendations.

Development of these agreements has been far more difficult than was initially envisioned but the results have been more instrumental in defining meaningful change that can be replicated and delivered on an ongoing basis. WEPCO, Cook Composites and Polymers, Northern Engraving, Packaging Corporation of America, Madison Gas & Electric and International Truck and Engine have been leaders. They have been the pioneers doing the research and development work that was necessary to get this program going. Their generosity with their resources, patience with research and development time frames, creativity with seemingly insurmountable odds, energy dedicated to stakeholder interests and dogged perseverance have defined practical systems that can deliver regulatory flexibility that most can only conceptualize.

Over the course of the last two years, we have seen a significant increase in use of environmental management systems, known principally as a concept at the start of the Environmental Cooperation Pilot Program. We have also seen a significant decreased suspicion of regulatory flexibility, interested persons, groups at the corporate level and measurable environmental performance. As a result of increase acceptance and reduced suspicion, we have been able to execute agreements over the course of the last year, move the negotiations along for other agreements and more effectively engage the United States Environmental Protection Agency. We have executed the first agreement in February 2001 and will sign the second agreement today. We have several other agreements that are in progress and several companies who are interested in further discussions.

Progress is being made and practical experience is being gained. This program is providing the practical experience needed to influence innovation discussions at the national level and prove the benefit of regulatory flexibility, public involvement and environmental performance measurement at the state level. Consistent with the DNR strategic plan, I am recommending that the Environmental Cooperation Pilot Program continue as a pilot through June 30, 2006, pursued as a simple, separate piece of legislation. The staff and the Environmental Cooperation Pilot Program Advisory Group have made recommendations for program modifications. Those recommendations should be presented as separate legislation or as a part of the 2003-05 Budget, if staffing recommendations are included. The language should be based on a working group review, seeking changes that would compliment Green Tier legislation should it pass or meet regulatory innovation needs in the absence of Green Tier.

The results of the program and the recommendations are described in greater detail in the attached documentation. I would be happy to meet with you to answer questions and provide additional detail on the information contained in this letter and the attached report. Thank you for the opportunity to share this information.

Sincerely,

DARRELL BAZZELL
Secretary

**REFERRALS AND RECEIPT OF
COMMITTEE REPORTS CONCERNING
PROPOSED ADMINISTRATIVE RULES**

Senate Clearinghouse Rule 99-158

Relating to the lottery and gaming property tax credit.

Submitted by Department of Revenue.

Report received from Agency, October 5, 2001.

Referred to committee on **Universities, Housing, and Government Operations**, October 10, 2001.

Senate Clearinghouse Rule 01-011

Relating to public use of department lands.

Submitted by Department of Natural Resources.

Report received from Agency, October 9, 2001.

Referred to committee on **Environmental Resources**, October 10, 2001.

Senate Clearinghouse Rule 01-048

Relating to the high-voltage transmission line fee.

Submitted by Department of Administration.

Report received from Agency, October 5, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, October 10, 2001.

Senate Clearinghouse Rule 01-055

Relating to asbestos inspection fees.

Submitted by Department of Natural Resources.

Report received from Agency, October 9, 2001.

Referred to committee on **Environmental Resources**, October 10, 2001.

The committee on **Environmental Resources** reports and recommends:

Senate Clearinghouse Rule 00-164

Relating to wetland compensatory mitigation.

Report objection recommended, Ayes 5, Noes 0.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Referred to joint committee for **review of Administrative Rules**, October 10, 2001.

Senate Clearinghouse Rule 01-007

relating to boating safety and enforcement.

No action taken.

Senate Clearinghouse Rule 01-038

relating to issuance of licenses and approvals.

No action taken.

Senate Clearinghouse Rule 01-053

relating to safe drinking water loan program financial assistance.

No action taken.

Jim Baumgart

Chairperson

The committee on **Health, Utilities, Veterans and Military Affairs** reports and recommends:

Senate Clearinghouse Rule 00-169

Relating to health benefit plan grievance requirements and independent review organizations.

No action taken.

Rodney Moen

Chairperson

The committee on **Insurance, Tourism, and Transportation** reports and recommends:

Senate Clearinghouse Rule 01-050

Relating to notes to financial statements.

No action taken.

Senate Clearinghouse Rule 01-065

Relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

No action taken.

Senate Clearinghouse Rule 01-074

Relating to revising Wisconsin agent licensing rules to be reciprocal and more uniform under Gramm Leach Bliley Act and the NAIC Producer model.

No action taken.

Senate Clearinghouse Rule 01-084

Relating to fees for searching, verifying and certifying motor vehicle records.

No action taken.

Roger Breske
Chairperson

MESSAGES FROM THE ASSEMBLY

By John A. Scocos, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has passed and asks concurrence in:

Assembly Bill 47

Assembly Bill 281

Assembly Bill 320

Assembly Bill 512

Assembly Bill 513

Assembly Bill 514

**MESSAGES FROM THE ASSEMBLY
CONSIDERED**

Assembly Bill 47

Relating to: failure to pay owners of raw forest products.

By Representatives Pettis, Musser, La Fave, Freese, Krawczyk, Ladwig, Vrakas, Petrowski, Ainsworth, Gronemus, Plouff, Gunderson, Sykora, Williams and Skindrud; cosponsored by Senators Breske, Cowles and Harsdorf.

Read first time and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

Assembly Bill 281

Relating to: requiring the department of revenue to prepare and maintain a list of delinquent taxpayer accounts and to post on the Internet the top 100 names from the list.

By Representatives F. Lasee, La Fave, Plale, Krawczyk, Wade, Ladwig, Staskunas, Stone, Bies and Sykora; cosponsored by Senators Shibilski and Darling.

Read first time and referred to committee on **Universities, Housing, and Government Operations.**

Assembly Bill 320

Relating to: an education tax credit for businesses.

By Representatives Jensen, Rhoades, Plale, Wade, Musser, Gundrum, Urban, Ladwig, D. Meyer, Duff, Kestell, Starzyk, Ainsworth, Loeffelholz, Krawczyk, Townsend, Owens, Freese, McCormick, Gunderson, Hundertmark, Pettis, Riley, Hahn, Huebsch, Albers, Berceau, Ott, Vrakas, Leibham, Ward,

Sykora, Olsen, Ziegelbauer, Suder, Montgomery, Stone, Kreibich, Wasserman, Plouff, Petrowski, Jeskewitz, Seratti, F. Lasee, Johnsrud, Walker, Kaufert, Schooff, Wieckert and Underheim; cosponsored by Senators M. Meyer, Darling, Moore, Schultz, Plache, Huelsman, Roessler, Harsdorf, Welch, Burke, Wirsch and George, by request of Wisconsin Association of Independent Colleges and Universities; University of Wisconsin System; and Wisconsin Technical College System.

Read first time and referred to committee on **Universities, Housing, and Government Operations.**

Assembly Bill 512

Relating to: repealing, consolidating, renumbering, amending and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities and obsolete provisions, reconciling conflicts and repelling unintended repeals (Revisor's Correction Bill).

By Law Revision Committee.

Read first time and referred to committee on **Universities, Housing, and Government Operations.**

Assembly Bill 513

Relating to: repealing, consolidating, renumbering, amending and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities and obsolete provisions, reconciling conflicts, and repelling unintended repeals (Revisor's Correction Bill).

By Law Revision Committee.

Read first time and referred to committee on **Universities, Housing, and Government Operations.**

Assembly Bill 514

Relating to: reconciling conflicts and repelling unintended repeals (Revisor's Correction Bill).

By Law Revision Committee.

Read first time and referred to committee on **Universities, Housing, and Government Operations.**

Senate Bill 104

Relating to: campaign financing, providing exemptions from emergency rule procedures, granting rule-making authority, making appropriations and providing penalties.

Referred to joint committee on **Finance** pursuant to Senate Rule 41(1)(e).

Senate Bill 147

Relating to: an education tax credit for businesses.

Referred to joint committee on **Finance** pursuant to Senate Rule 41(1)(e).